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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

JOHN AMBLER and STACY
AMBLER,

Plaintiffs,

vs.

FLATHEAD CONSERVATION
DISTRICT,

Defendant.

CV 23-151-M-DLC-KLD

**STATEMENT OF STIPULATED
FACTS**

COME NOW the Plaintiffs, John and Stacy Ambler (hereinafter “Amblers” and/or “Plaintiffs”), and Defendant, Flathead Conservation District (hereinafter “FCD”), by and through their counsel, and submit the following statement of stipulated facts:

1. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b) and 1391(c) because the Property is located in this District, the events giving rise to Plaintiffs’ claims occurred in this District and the FCD conducts activities and may be found in this District.
2. The real property at issue is private property, also known as an “inholding,” owned by the Amblers and is located in Apgar Village within Glacier National Park (hereinafter the “Property”) and is more particularly described as:

**S23, T32 N, R19 W, 17376-10, PARCEL N/A, TR 2EBCA IN L3,
FLATHEAD COUNTY, MONTANA.**

3. The FCD is charged with administration of The Montana Natural Streambed and Land Preservation Act (the “NSLPA”) under Mont. Code Ann. § 75-7-101 et seq.
4. In 2023, the FCD asserted jurisdiction over the Property and advised the Amblers that they violated the NSLPA, that they must remove their structure and that they must apply to the FCD for and obtain a 310 permit under the

NSLPA for the removal.

5. The Amblers requested a “declaratory ruling” from the FCD, which is an internal or administrative process that allows a party to appeal a determination that the FCD has jurisdiction, wherein the Amblers asserted that federal and Montana law both say that the FCD does not have jurisdiction over the property.
6. On November 13, 2023, at the conclusion of the FCD’s internal declaratory ruling proceedings, the FCD again decided that the Amblers violated the NSLPA, that they must remove their structure and that they must apply for and obtain a 310 permit to do so.
7. The FCD asserts that it has jurisdiction over the Amblers’ Property, that the 310 Law applies to the Ambler Property and the FCD has the jurisdiction to decide that the Amblers violated the NSLPA, that they must remove their structure and that they must apply for and obtain a 310 permit from the FCD to do so.
8. The Amblers dispute that the FCD has jurisdiction over the Property and dispute that the NSLPA applies to the Property.

DATED this 12th day of March, 2024.

DATSOPOULOS, MACDONALD & LIND, P.C.

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DATED this 12th day of March, 2024.

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